

FILE

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
NEW YORK, NEW YORK

CH 993451

In the Matter of:

SINGH, SURINDER,

Respondent.

In DEPORTATION Proceedings

File No.: A73-177-909

MOTION TO REOPEN

Respondent, Surinder Singh, by and through his attorneys, Mulgrew & Sassone, respectfully requests that the Immigration Judge reopen these deportation proceedings pursuant to 8 C.F.R. §§3.23(b) and 240.31 for the limited purpose of Respondent adjusting his status to that of Lawful Permanent Resident.

The Office of the District Counsel has reviewed Respondent's case and has agreed to join in respondent's motion to reopen (See letter from Assistant District Counsel Susan Egan annexed hereto.).

WHEREFORE, Respondent, through counsel, respectfully requests that the Immigration Judge reopen these deportation proceedings.

Dated: June 4, 2003

Respectfully submitted,

Mulgrew & Sassone

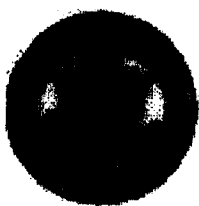
by:



Alexander S. Mulgrew
Attorneys for Respondent
22 South Main Street
New City, NY 10956
(845) 639-4664

RECEIVED
SAS ZIVN & WNI SO
US IMM & NATZ SVC
2003 JUN 10 AM 11:06
DISTRICT COUNSEL

DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
2003 JUN 10 AM 11:06
NEW YORK, NY 10020



U.S. Department of Homeland Security

Office of the District Counsel

26 Federal Plaza, Room 1130
New York, NY 10278
(212) 264-5916

15 May 2003

Mr. Andrew Mulgrew Esq.
22 South Main Street
New City, New York 10956


Re: Surinder SINGH File No. A73 177 909

Dear Mr. Mulgrew,

I am in receipt of your request to join in a motion to reopen, relating to the above named individual.

I have carefully reviewed the facts and note that the above named is currently in voluntary departure status. Therefore, I will join in your motion.

Very truly yours,


Susan Egan
Asst. District Counsel

UNITED STATES DEPARTMENT OF JUSTICE
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UNITED STATES IMMIGRATION COURT
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AFFIRMATION IN SUPPORT

ALEXANDER S. MULGREW, an attorney duly admitted to practice before the courts of the State of New York, hereby affirms the following under penalty of perjury:

1. Mr. Singh was placed into deportation proceedings on or about March 12, 1997.
(See Exhibit B annexed hereto)
2. On August 20, 1997 Mr. Singh married Debra Ann Totani, a United States citizen. (See Exhibit C annexed hereto) On September 12, 1997, as prospective relief from deportation, Mr. and Mrs. Singh filed a petition for alien relative and application to adjust status.
(See Exhibit D annexed hereto).
3. The Singhs were originally scheduled for an interview with the Non-immigrant Unit on June 3, 1998. Unfortunately, on June 2, 1998 Mrs. Singh was admitted to Nyack Hospital in Rockland County, New York due to complications with her pregnancy, and the Singh's were unable to attend their interview. (See Exhibit E annexed hereto) The Singh's daughter, Norma Lily, was born several months premature on June 4, 1998. (See Exhibit F annexed hereto). The Singh's attended their rescheduled interview on April 12, 1999.

4. On January 21, 2000 the District Director denied the petition for alien relative filed by Mrs. Singh. (See Exhibit G annexed hereto). Undersigned counsel filed an appeal of this decision on February 2, 2000. (See Exhibit H annexed hereto). At this point confusion arose and Mrs. Singh's notice of appeal was misplaced.

5. On February 2, 2000 Mr. Singh was forced by circumstances to accept a grant of voluntary departure until January 2, 2001. (See Exhibit I annexed hereto).

6. After much wrangling and additional confusion, including the filing of a second petition for alien relative and application to adjust status, this issue was resolved and on March 1, 2002 the Board of Immigration Appeals upheld Mrs. Singh's appeal. (See Exhibit J annexed hereto).

7. During the pendency of these proceedings Mr. Singh has filed several requests for an extension of the grant of voluntary departure. The District Director granted the most recent request on December 11, 2002 extending Mr. Singh's voluntary departure until ^{July 21} ~~June 20~~, 2003. (See Exhibit K annexed hereto).

8. Based upon the foregoing, and in light of the fact that the Service has joined this motion to reopen, Respondent respectfully requests that this Court reopen his deportation proceedings so that they may then be terminated for the limited purpose of adjudication of his application to adjust status.

Affirmed: New City, New York
June 4, 2003



ALEXANDER S. MULGREW

EXHIBIT A



U. S. Department of Justice
Immigration and Naturalization Service

PRESENT THIS LETTER AT THE WORTH STREET ENTRANCE

Surinder SINGH

File Number: A29747318

9 Inwood Drive

Date: 10/17/2002

Bardonia, NY 10954

Please come to the office shown below at the time and place indicated in connection with an official matter.

OFFICE LOCATION	26 FEDERAL PLAZA NEW YORK, NY 10278	Room No. 8-800	Floor No. 8TH
DATE AND HOUR		01/29/2003	9:30:00 AM
ASK FOR	IMMIGRATION EXAMINER		
REASON FOR APPOINTMENT	ADJUSTMENT OF STATUS		
BRING WITH YOU	SEE ATTACHMENTS		

IT IS IMPORTANT THAT YOU KEEP THIS APPOINTMENT AND BRING THIS LETTER WITH YOU.
IF YOU ARE UNABLE TO DO SO, STATE YOUR REASON, SIGN BELOW AND RETURN THIS LETTER.

WARNING:

IF YOU CONSIDER DEPARTING FROM THE UNITED STATES TO ANY COUNTRY, INCLUDING CANADA OR MEXICO, BEFORE A DECISION IS MADE ON YOUR APPLICATION, CONSULT WITH THIS OFFICE BEFORE DEPARTURE SINCE A DEPARTURE FROM THE UNITED STATES WILL RESULT IN TERMINATION OF YOUR APPLICATION.

I am unable to keep the appointment because:

SIGNATURE

DATE

Attorney Name: Seskin & Sassone
Attorney Address: 22 South Main Street
New City, NY 10956-

Very truly yours,

EDWARD J. McELROY
District Director

*Fingerprint appointment forward to applicant.

EXHIBIT B

ORDER TO SHOW CAUSE AND NOTICE OF HEARING
(ORDEN DE PRESENTAR MOTIVOS JUSTIFICANTES Y AVISO DE AUDIENCIA)

In Deportation Proceedings under section 242 of the Immigration and Nationality Act.
(En los procedimientos de deportación a tenor de la sección 242 de la Ley de Inmigración y Nacionalidad.)

United States of America:
(Estados Unidos de América:)

File No. A-73 177 909
(No. de registro)

Dated MAR 12 1997
(Fecha)

In the matter of
(En el asunto de)

SINGH, SURINDER

(Respondent)
(Demandado)

Address
(Dirección)

9 INWOOD DR.

BARDONIA, NY 10954-0000

Telephone No.(Area Code)
(Num. de teléfono y código de área)

000-000-0000

Upon inquiry conducted by the Immigration and Naturalization Service, it is alleged that:
(Según las indagaciones realizadas por el Servicio de Inmigración y Naturalización, se alega que:)

- 1) You are not a citizen or national of the United States;
(Ud. no es ciudadano o nacional de los Estados Unidos)
- 2) You are a native of INDIA and a citizen of INDIA;
(Ud. es nativo de) (y ciudadano de)
- 3) You entered the United States at or near FT. Lauderdale FL. on or about September 9, 1992 ;
(Ud. entró a los Estados Unidos en o cerca del un lugar no especificado por la frontera con Mexican el día o hacia esa fecha 9 de Septiembre 1992;)
- 4) You were not then inspected by an immigration officer.
(Ud. no fue inspeccionado entonces por un funcionario de inmigración)

Naturalization Service

Show Cause and Notice of Hearing

Continuation Sheet
(Hoja complementaria)Dated
(Fecha)

MAR 12 1997

Respondent SINGH, SURINDER
(mandado)File No. A-73 177 909
(No. de registro)

On the basis of the foregoing allegations, it is charged that you are subject to deportation pursuant to the following provision(s)
según los alegatos anteriores, se le acusa de estar sujeto a deportación de acuerdo con la(s) siguiente(s) disposición(es) de la ley:

Section 241 (a) (1) (B) of the Immigration and Nationality Act (Act), as amended, in that you entered the United States without
sección 241 (a) (1) (B) de la Ley de Inmigración y Nacionalidad (INA), según enmendada, en que Ud. entró a los Estados Unidos sin
sección)

BEFORE, YOU ARE ORDERED to appear for a hearing before an Immigration Judge of the Executive Office for
Revisión de la Oficina Ejecutiva de Revisión de Inmigración del
LO CUAL, SE LE ORDENA comparecer ante un juez de inmigración de la Oficina Ejecutiva de Revisión de Inmigración del
Departamento de Justicia de los Estados Unidos en:

26 FEDERAL PLAZA ROOM 1000

Address NEW YORK, NY 10278-0000

(Dirección)

On

(Fecha)

September 3, 1997

At

(Hora)

9:00 AM

30 de Septiembre 1997

" "

Now cause why you should not be deported from the United States on the charge(s) set forth above.

Exponer motivos justificantes por cual no debería ser deportado de los Estados Unidos por los cargos expresados anteriormente.)

MAR 12 1997

da)

Signature of Issuing Officer

(Firma del funcionario que la expide)

*Patricia A. Jackson*State of Issuance ROSEDALE, NY
(Id y Estado donde se expide)

Title of Issuing Officer

(Título del funcionario que la expide)

Supervisory Asylum Officer

Show Cause
Judge of the _____ Office for
Review at the address provided below.
report any changes of your address or
phone number in writing to this office:

Debe presentarse en el Orden de Presentar Motivos
Justificantes a la Oficina Ejecutiva de Revisión de
Inmigración en la siguiente dirección. Debe notificar
cualquier cambio de su domicilio o número de teléfono
por escrito a:

The Office of the Immigration Judge
26 FEDERAL PLAZA ROOM 1000
NEW YORK, NY 10278-0000

Certificate of Translation and Oral Notice

This Order to Show Cause ☐ was ☒ was not read to the named alien in the ENGLISH language,
which is his/her native language, which he/she understands.

Date _____ Signature _____ Printed Name and Title of Translator _____

Address of Translator (if other than INS employee) or office location and division (if INS employee) _____

If oral notice was not provided please explain) _____

Manner of Service	Alien's Right Thumb Print
<input checked="" type="checkbox"/> Personal Service to Alien	
<input type="checkbox"/> Certified Mail - Return Receipt Requested	
<input type="checkbox"/> Alien <input type="checkbox"/> Counsel of Record	

Certificate of Service

This Order to Show Cause was served by me at ROSEDALE, NY on 3-27 19 97

Doretha Wynter m.
Ficer's Signature
Printed Name DORETHA WYNTER Title CONTACT REPRESENTATIVE (INS) Office NEW YORK ASYLUM OFFICE (ZNY)

Surender Singh
en's Signature (acknowledgment/receipt of this form)
ma de extranjero/acuse de recibo)

**Request for Prompt Hearing and Waiver of 14-Day Minimum Period
(Solicitud de audiencia inmediata y renuncia al plazo mínimo de 14 días)**

expedite determination of my case, I request an immediate hearing, and waive my right to the 14 day notice.
ra agilizar la decisión sobre mi caso, solicito una audiencia inmediata y renuncio a mi derecho a un plazo mínimo de 14 días.)

Signature of Respondent _____ Date _____
(na del demandado) (Fecha)

EXHIBIT C

Local Register No. 423



EXHIBIT D

U.S.I.N.S.

FEE RECEIPT
A CENTURY OF SERVICE

09/12/97 N.Y.C.

073177909*#
SINGH S. #
I 485 \$ 130.00
SUPP A \$ 1000.00
I 765 \$ 70.00
SUBTTL 1200.00
TTLAMT **1200.00**
PC 70.00
PC 130.00
PC 1000.00
CHANGE 0.00

3 ITEMS

0042005 11:00

U.S.I.N.S.

FEE RECEIPT
A CENTURY OF SERVICE

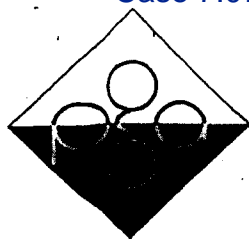
09/12/97 N.Y.C.

073177909*#
SINGH S. #
I 130 \$ 80.00
SUBTTL 80.00
TTLAMT **80.00**
PC 80.00
CHANGE 0.00

1 ITEMS

0041005 10:58

EXHIBIT E



PERINATAL, GYNECOLOGICAL ASSOCIATES

Alex A.T. Bofo, MD / John F.J. Clark, MD / Spencer I. Ross, MD / Franklin A. Ayew, MD

June 03, 1998

To Whom It May Concern:
RE: Debra Singh

This is to certify that Ms. Singh was admitted to Nyack Hospital on June 02, 1998 at 11:30pm. Due to her condition Ms. Singh and her husband were unable to make their appointment.

If you have any questions please do not hesitate to call us at (914)353-5752.

Thank you,

Spencer I Ross MD
John F Clark MD

EXHIBIT F

FILE

not accept this copy unless the raised seal of the Village of Nyack is affixed.
 ACK, NEW YORK COUNTY OF ROCKLAND

DATED: June 29, 1998

Recorded District 4324
Register Number 783

New York State Department of Health
 CERTIFICATE OF LIVE BIRTH

State File Number

May the newspapers be furnished with notice of this birth? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No NOTE: If yes is checked there is a consent form signed by the mother in the hospital record.	INFANT 1A. Name: First <u>Norma</u> Middle <u>Lily</u> Last <u>Singh</u> 3. Sex: <u>Female</u> 4A. Birth is: <u>Single</u> 4B. If Not Single, Birth is: _____ 5. Place of Birth: <u>Hospital</u> 6A. Facility Name: <u>Nyack Hospital</u> 6B. Locality: <u>Village of Nyack</u> 6C. County of Birth: <u>Rockland</u>	1B. Medical Record No.: <u>750444</u>	2A. Date of Birth: <u>June 4, 1998</u>	2B. Hour: <u>08:45AM</u>	
		7A. Maiden Name: First <u>Debra</u> Middle <u>Ann</u> Last <u>Totani</u> 7B. Date of Birth: <u>01/05/1961</u> 7C. City and State of Birth: <u>New York, NY</u> 7D. Social Security No.: <u>118-50-0203</u>			
		8A. Residence, State: <u>New York</u> 8B. County: <u>Rockland</u> 8C. Locality: <u>Town of Clarkstown (Bardonia)</u> 8D. If City or Village, is Residence Within City or Village Limits? (If no, specify town) _____ 8E. Street and Number of Residence: <u>9 Inwood Dr</u> 8F. Zip Code: <u>10954</u> 8G. Mailing Address: <u>9 Inwood Dr Bardonia NY</u> 8H. Zip Code: <u>10954</u> 8I. Medical Record No.: <u>509277</u>			
MOTHER 9A. Name: First <u>Surinder</u> Middle _____ Last <u>Singh</u> 9B. Date of Birth: <u>07/19/1965</u> 9C. City and State of Birth: <u>India</u> 9D. Social Security No.: <u>082-82-1749</u>	10A. I certify that the stated information concerning this child is true to the best of my knowledge and belief. Signature: <u>Ehren</u> 10B. Date Signed: <u>June 29 1998</u> 10C. Name of Certifier, if not Attendant: <u>Spencer L. Ross</u> 10D. Attendant's Name: First <u>Ehren</u> Middle <u>Olivia</u> Last _____ 10E. License Number: <u>091115</u> 10F. Attendant's Mailing Address: <u>521 Route 304 Bardonia, NY</u> 10G. Zip Code: <u>10954</u>				
	11A. Signature of the Registrar: <u>Berta A. Campbell</u> 11B. Date Filed: <u>06/29/98</u> 11C. Information Added or Amended: _____ 11D. Date Amended: _____				
	1963E (3/94)				

This is to certify that the foregoing is a true copy (photocopy)
 of a record on file in the Office of the Registrar of Vital
 Statistics of the Village of Nyack, New York, County of Rockland.

Berta A. Campbell
 Berta A. Campbell, Registrar

